

Message Text

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DRAFTED BY EUR/RPM:WTROBINSON:ESN
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SUBJECT: STANDARDIZATION--DOD APPROPRIATION ACT

1. THE PRESIDENT SIGNED PL 94-361 "DEPARTMENT OF DEFENSE
APPROPRIATION ACT, 1977" ON JULY 14. THE ACT CONTAINS
TWO SECTIONS ON STANDARDIZATION/INTEROPERABILITY QUOTED
AS FOLLOWS:

-- SEC. 802. SECTION 814(A) OF THE DEPARTMENT OF
DEFENSE APPROPRIATION AUTHORIZATION ACT, 1976 (89 STAT.544),
IS AMENDED TO READ AS FOLLOWS:

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-- "(A) (1) IT IS THE POLICY OF THE UNITED STATES THAT
EQUIPMENT PROCURED FOR THE USE OF PERSONNEL OF THE ARMED
FORCES OF THE UNITED STATES STATIONED IN EUROPE UNDER THE
TERMS OF THE NORTH ATLANTIC TREATY SHOULD BE STANDARDIZED

OR AT LEAST INTEROPERABLE WITH EQUIPMENT OF OTHER MEMBERS OF THE NORTH ATLANTIC TREATY ORGANIZATION. IN CARRYING OUT SUCH POLICY THE SECRETARY OF DEFENSE SHALL, TO THE MAXIMUM FEASIBLE EXTENT, INITIATE AND CARRY OUT PROCUREMENT PROCEDURES THAT PROVIDE FOR THE ACQUISITION OF EQUIPMENT WHICH IS STANDARDIZED OR INTEROPERABLE WITH EQUIPMENT OF OTHER MEMBERS OF THE NORTH ATLANTIC TREATY ORGANIZATION WHENEVER SUCH EQUIPMENT IS TO BE USED BY PERSONNEL OF THE ARMED

FORCES OF THE UNITED STATES STATIONED IN EUROPE UNDER THE TERMS OF THE NORTH ATLANTIC TREATY. SUCH PROCEDURES SHALL ALSO TAKE INTO CONSIDERATION THE COST, FUNCTIONS, QUALITY, AND AVAILABILITY OF THE EQUIPMENT TO BE PROCURED. IN ANY CASE IN WHICH EQUIPMENT AUTHORIZED TO BE PROCURED UNDER TITLE I OF THIS ACT IS UTILIZED FOR THE PURPOSE OF CARRYING OUT THE FOREGOING POLICY, THE SECRETARY OF DEFENSE SHALL REPORT TO CONGRESS THE FULL DETAILS OF THE NATURE AND SUBSTANCE OF ANY AND ALL AGREEMENTS ENTERED INTO BY THE UNITED STATES WITH ANY OTHER MEMBER OR MEMBERS OF THE NORTH ATLANTIC TREATY ORGANIZATION PROVIDING FOR THE ACQUISITION OF EQUIPMENT MANUFACTURED OUTSIDE THE UNITED STATES IN EXCHANGE FOR, OR AS PART OF, ANY OTHER AGREEMENT BY SUCH MEMBER OR MEMBERS TO ACQUIRE EQUIPMENT MANUFACTURED IN THE UNITED STATES. SUCH REPORT SHALL BE MADE BY THE SECRETARY WITHIN 30 DAYS OF THE DATE OF ENACTMENT OF THIS ACT.

-- "(2) WHENEVER THE SECRETARY OF DEFENSE DETERMINES THAT IT IS NECESSARY, IN ORDER TO CARRY OUT THE POLICY EXPRESSED IN PARAGRAPH (1) OF THIS SUBSECTION, TO PROCURE EQUIPMENT MANUFACTURED OUTSIDE THE UNITED STATES, HE IS AUTHORIZED TO DETERMINE, FOR THE PURPOSES OF SECTION 2 OF TITLE III OF THE ACT OF MARCH 3, 1933 (47 STAT. 1520; 41 U.S.C. 10A), THAT THE ACQUISITION OF SUCH EQUIPMENT MANUFACTURED IN THE UNITED STATES IS INCONSISTENT WITH THE PUBLIC INTEREST.

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-- "(3) IN ANY CASE IN WHICH THE SECRETARY OF DEFENSE INITIATES PROCUREMENT ACTION ON A NEW MAJOR SYSTEM WHICH IS NOT STANDARD OR INTEROPERABLE WITH EQUIPMENT OF OTHER MEMBERS OF THE NORTH ATLANTIC TREATY ORGANIZATION, HE SHALL REPORT THAT FACT TO THE CONGRESS IN THE ANNUAL REPORT REQUIRED UNDER SECTION 302 (C) OF PUBLIC LAW 93-365, AS AMENDED, INCLUDING A DESCRIPTION OF THE SYSTEM TO BE PROCURED AND THE REASONS FOR THAT CHOICE."

-- SEC. 803. (A) IT IS THE SENSE OF CONGRESS THAT WEAPONS SYSTEMS BEING DEVELOPED WHOLLY OR PRIMARILY FOR EMPLOYMENT IN THE NORTH ATLANTIC TREATY ORGANIZATION

THEATER SHALL CONFORM TO A COMMON NORTH ATLANTIC TREATY ORGANIZATION REQUIREMENT IN ORDER TO PROCEED TOWARD JOINT DOCTRINE AND PLANNING AND TO FACILITATE MAXIMUM FEASIBLE STANDARDIZATION AND INTEROPERABILITY OF EQUIPMENT. A COMMON NORTH ATLANTIC TREATY ORGANIZATION REQUIREMENT SHALL BE UNDERSTOOD TO INCLUDE A COMMON DEFINITION OF THE MILITARY THREAT TO THE NORTH ATLANTIC

TREATY ORGANIZATION COUNTRIES. THE SECRETARY OF DEFENSE SHALL, IN THE REPORTS REQUIRED BY SECTION 302 (C) OF PUBLIC LAW 93-365, AS AMENDED, IDENTIFY THOSE PROGRAMS IN RESEARCH AND DEVELOPMENT FOR UNITED STATES FORCES IN EUROPE AND THE COMMON NORTH ATLANTIC TREATY ORGANIZATION REQUIREMENTS WHICH SUCH PROGRAMS SUPPORT. IN THE ABSENCE OF SUCH COMMON REQUIREMENT, THE SECRETARY SHALL INCLUDE A DISCUSSION OF THE ACTIONS TAKEN WITHIN THE NORTH ATLANTIC ALLIANCE IN PURSUIT OF A COMMON REQUIREMENT. THE SECRETARY OF DEFENSE SHALL ALSO REPORT ON EFFORTS TO ESTABLISH A REGULAR PROCEDURE AND MECHANISM WITHIN THE NORTH ATLANTIC TREATY ORGANIZATION FOR DETERMINING COMMON MILITARY REQUIREMENTS.

-- (B) IT IS THE SENSE OF THE CONGRESS THAT PROGRESS TOWARD THE REALIZATION OF THE OBJECTIVES OF STANDARDIZATION AND INTEROPERABILITY WOULD BE ENHANCED BY EXPANDED INTER-ALLIED PROCUREMENT OF ARMS AND EQUIPMENT WITHIN THE NORTH ATLANTIC TREATY ORGANIZATION. IT IS FURTHER THE SENSE OF THE CONGRESS THAT EXPANDED INTER-ALLIED UNCLASSIFIED

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PROCUREMENT WOULD BE FACILITATED BY GREATER RELIANCE ON LICENSING AND COPRODUCTION AGREEMENTS AMONG THE SIGNATORIES OF THE NORTH ATLANTIC TREATY. IT IS THE CONGRESS' CONSIDERED JUDGMENT THAT SUCH AGREEMENTS, IF PROPERLY CONSTRUCTED SO AS TO PRESERVE THE EFFICIENCIES ASSOCIATED WITH ECONOMIES OF SCALE, COULD NOT ONLY MINIMIZE POTENTIAL ECONOMIC HARDSHIP TO PARTIES TO SUCH AGREEMENTS BUT ALSO INCREASE THE SURVIVABILITY, IN TIME OF WAR, OF THE ALLIANCE'S ARMAMENTS PRODUCTION BASE BY DISPERSING MANUFACTURING FACILITIES. ACCORDINGLY, THE SECRETARY OF DEFENSE, IN CONJUNCTION WITH APPROPRIATE REPRESENTATIVES OF OTHER MEMBERS OF THE ALLIANCE, SHALL ATTEMPT TO THE MAXIMUM EXTENT FEASIBLE (1) TO IDENTIFY AREAS FOR SUCH COOPERATIVE ARRANGMENTS AND (2) TO NEGOTIATE SUCH AGREEMENTS PURSUANT TO THESE ENDS. THE SECRETARY OF DEFENSE SHALL INCLUDE IN THE REPORT TO THE CONGRESS REQUIRED BY SECTION 302 (C) OF PUBLIC LAW 93-365, AS AMENDED, A DISCUSSION OF THE SPECIFIC ASSESSMENTS MADE UNDER THE ABOVE PROVISIONS AND THE RESULTS ACHIEVED WITH THE NORTH ATLANTIC TREATY ORGANIZATION ALLIES.

-- (C) IT IS THE SENSE OF THE CONGRESS THAT

STANDARDIZATION OF WEAPONS AND EQUIPMENT WITHIN THE NORTH ATLANTIC ALLIANCE ON THE BASIS OF A "TWO-WAY STREET" CONCEPT OF COOPERATION IN DEFENSE PROCUREMENT BETWEEN EUROPE AND NORTH AMERICA COULD ONLY WORK IN A REALISTIC SENSE IF THE EUROPEAN NATIONS OPERATED ON A UNITED AND COLLECTIVE BASIS. ACCORDINGLY, THE CONGRESS ENCOURAGES

THE GOVERNMENTS OF EUROPE TO ACCELERATE THEIR PRESENT EFFORTS TO ACHIEVE EUROPEAN ARMAMENTS COLLABORATION AMONG ALL EUROPEAN MEMBERS OF THE ALLIANCE. END TEXT

2. THE SIGNIFICANT CHANGES FROM THE LANGUAGE CONTAINED IN THE 1976 ACT INCLUDE:

- -- SECTION 802 (A) (1). STANDARDIZATION/INTER-OPERABILITY IS THE "POLICY OF THE UNITED STATES" RATHER THAN THE "SENSE OF CONGRESS".
 - -- SECTION 802 (A) (2). AUTHORIZES THE SECRETARY
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OF DEFENSE TO WAIVE PROVISIONS OF THE SO-CALLED "BUY AMERICA ACT" IN THE INTERESTS OF STANDARDIZATION/INTEROPERABILITY.

3. SECTION 803 FURNISHES VISIBLE CONGRESSIONAL SUPPORT OF EXPANDED INTER-ALLIED PROCUREMENT, CO-PRODUCTION AND RESEARCH AND DEVELOPMENT. IN THE LATTER CASE IT REQUIRES THE SECRETARY OF DEFENSE TO TAKE ACTION WITHIN THE ALLIANCE TO ESTABLISH A REGULAR PROCEDURE AND MECHANISM FOR DETERMINING COMMON MILITARY REQUIREMENTS.

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